<u>REMARKS</u>

The indication of allowable subject matter with respect to claims 8-11 and 13-16 is appreciated.

A. **Claims 1-4, 6, 7, 12, 17, 19 and 20 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over ISO.IEC 138186:1998(E) (hereafter: ISO) in view of Jerding et al. (US Pat Pib. No. 2006/0206913).** The Applicant respectfully traverses this rejection for the following reason(s).

<u>Claim 1</u>

Claim 1 is directed to a method for controlling network digital broadcasting service and calls for, in part, *directly requesting, at a client, a digital broadcasting server for a session connection, and establishing a session by receiving a confirmation message for the session connection from the digital broadcasting server.*

One cannot pick and choose among the individual elements of assorted prior art references to recreate the claimed invention. See, e.g., *Azko N.V. v. United States Int'l Trade Comm'n* , 808 F.2d 1471, 1481, 1 USPQ2d 1241, 1246 (Fed. Cir. 1986), cert. denied , 107 S.Ct. 2490 (1987).

It is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one skilled in the art. *In re Wesslau*, 353 F.2d 238, 241, 147 USPQ 391, 393 (CCPA 1965); see also *In re Mercer*, 515 F.2d 1161,

1165-66, 185 USPQ 774, 778 (CCPA 1975).

Here, the Examiner refers to ISO's Session Resource Manager (SRM) as the claimed *digital broadcasting server*. ISO discloses a *digital broadcasting server* (labeled Server User). Also see Applicant's Fig. 1, item 13.

ISO's server provides a digital broadcasting service (see claim 1, preamble), whereas the SRM merely manages the session between the client and server. As is well known in the art, the SRM allocates and manages network resources (such as channels, bandwidth, and network addresses). The SRM does not provide a digital broadcasting service.

The ISO/IEC 13816-6 (DSM-CC) is a well known standard in the art. It is impermissible within the framework of section 103 for the Examiner to provide his own label of "server" to the ISO's Session Resource Manager (SRM) when it is known in the art that ISO's Session Resource Manager (SRM) is not a server, but instead allocates and manages network resources between the server and client.

The ISO/IEC 13816-6 standard is the related art which the claimed invention is an improvement over (see Applicant's paragraph [0037]) by bypassing the Session Resource Manager (SRM). See paragraphs [0039] and [0052].

Even if the Session Resource Manager (SRM) is disposed at a cable head end, as suggested by the Examiner rejection incorporating the teachings of Jerding, the Session Resource Manager (SRM) is not bypassed. Thus there is no teaching of *directly requesting, at a client, a digital broadcasting server for a session connection, and establishing a session by receiving a confirmation message for the session connection from the digital broadcasting server.*

In Jerding, the headend 11 as configured in the cable television system network to provide media-on-demand (MOD) services. To do this, the configuration includes MOD application server 19 is responsible for provisioning the services provided by the MOD application, as directed by the system operator, and for providing the content or data needed by the MOD application client that executes on the digital home communication terminal (DHCT) 16. See Jerding's paragraph [0037].

That is, contrary to the Examiner's remarks, the cable television headend 11 is not the server, but instead, the server is the media-on-demand (MOD) application server 19.

Jerding's paragraph [0038] discloses a Digital Storage Media--Command-in-Control (DSM-CC) session and resource manager 34 that works with other components of the DNCS 23 in order to support the delivery of the MOD service to the user. The DSM-CC session and resource manager processes user to network (U-N) session signaling messages, manages allocation of session-related network resources and supports network management operations. The DSM-CC session manager 34 (FIG. 2) supports exclusive services such as MOD by providing the signaling interface to establish, maintain and release client initiated exclusive sessions. The DSM-CC session manager 34 acts as a point of contact to the network for the DHCT's in the network 18 to establish individual sessions. The DSM-CC session manager 34 also defines a resource descriptor structure, which is used to request the network resources within a session.

Accordingly, Jerding's DSM-CC is modeled after the standard set forth in ISO/IEC 13816-6 and thus inherently includes a Session Resource Manager (SRM).

There is no direct communication between the client and server in either of the applied references.

Likewise, the applied art fails to teach *directly requesting, at the client, the digital broadcasting server for a channel change, and changing a channel by receiving a confirmation message for the channel change from the digital broadcasting server.*

Accordingly, the rejection of claim 1 is deemed to be in error and should be withdrawn.

Claim 17

Claim 17 is similar to claim 1 in that there is claimed direct communication between the client and server, i.e., *a client and a digital broadcasting server, the client **directly** requesting the digital broadcasting server for a session connection, and establishing a session by receiving a confirmation message for the session connection from the digital broadcasting server;* and *the client **directly** requesting a program change from the digital broadcasting server and receiving a confirmation message from the digital broadcasting server, when the digital broadcasting server confirms the program change.*

Accordingly, the rejection of claim 17 is deemed to be in error for the same reason as claim 1, and should be withdrawn.

Claims 2-4, 6, 7, 12, 19 and 20 depend from claim 1 and 17 and are deemed to be patentable over the applied art at least for the same reasons as argued above.

B. Claim 5 was rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over ISO.IEC 138186:1998(E) (hereafter: ISO) in view of Jerding et al. (US Pat Pib. No.

2006/0206913) and in further view of Chapmann (US 7,113,484). The Applicant respectfully traverses this rejection for the following reason(s).

Chapmann fails to teach the features noted as lacking in the combination of ISO and Jerding. Accordingly, claim 5 is deemed to be patentable over the applied art at least for the same reasons as argued above.

C.   Claim 18 was rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over ISO.IEC 138186:1998(E) (hereafter: ISO) in view of Jerding et al. (US Pat Pib. No. 2006/0206913) and in further view of Yun (US Pub. No. 2007/0006254). The Applicant respectfully traverses this rejection for the following reason(s).
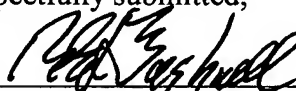
Yun fails to teach the features noted as lacking in the combination of ISO and Jerding. Accordingly, claim 18 is deemed to be patentable over the applied art at least for the same reasons as argued above.

The examiner is respectfully requested to reconsider the application, withdraw the objections and/or rejections and pass the application to issue in view of the above amendments and/or remarks.

Should a Petition for extension of time be required with the filing of this Response, the Commissioner is kindly requested to treat this paragraph as such a request and is authorized to

charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of the

incurred fee if, **and only if**, a petition for extension of time be required **and** a check of the requisite

amount is not enclosed.

Respectfully submitted,

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